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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,464	06/21/2001	Michael Bartolotti	5291	3871

466 7590 10/03/2002

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ARLINGTON, VA 22202

EXAMINER

JONES, JUDSON

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/885,464

Applicant(s)

BARTOLOTTI, MICHAEL

Examiner

Judson H Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION*****Drawings***

Figure 1, 2 and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a decreased bulk along the direction of motion as described in the specification on page 4 lines 25-30, with the spaces between the paragraphs being counted as lines. In figure 2 the motor is six magnets long in the direction of movement and in figure 3 the motor is also six magnets long. In comparing figures 4 and 5, the motors also seem to be the same length in the direction of movement. On page 5 lines 10 and 11, the phrase "the three-phase linear motors are marked in their aggregate" is not understood. Also figure 2 shows a single linear motor 11. The specification on page 3 says "Figure 4 shows the arrangement of the parts of four conventional three-phase linear motors, arranged side by side ... ." However the figure appears to show the linear motors 11 arranged end to end in a row with the magnets 12i being out of proportion and in reduced numbers. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

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The disclosure is objected to because of the following informalities: On page 3 lines 1-3 Applicant refers to the preamble and to the characterizing part of claim 1. Since claim 1 could be amended in the prosecution of the Applicant, it will be unclear if this means the claim as originally written or the claim as amended. Therefore the reference to claim 1 on page 3 of the specification should be deleted. If necessary, Applicant can insert the language used in claim 1 into the specification on page 3.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 includes the phrase “magnetic trace,” which does not appear in the specification. This phrase needs clarification. Additionally, a magnetic trace has to be shown in the drawings. If the element or elements that comprise a magnetic trace are already in the drawings, then the specification text should make the location of said magnetic trace clear.

In regard to claim 3, the phrase “said motor does not have all phase coils (3i) that interact on the group of magnets (12i)” is not understood. All of the phase coils shown in figure 3 are positioned so that they interact with the magnets. If there are phase coils that interact with the magnets and that are not a part of the motor, where are those phase coils located?

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Goldie et al.

5,495,131. Goldie et al. discloses a linear motor as described in column 2 lines 42-45, column 3 line 56 to column 4 line 57, column 8 line 41 to column 9 line 37 and as shown in figures 7 and 11. The linear motor of Goldie et al. shows permanent magnets 186 as described in column 9 lines 21-26 and as shown in figure 11, the magnets being arranged side by side as described in column 3 lines 55-60 and as shown in figure 7, with the magnets replacing teeth 144 and conductive slots 146. The linear motor also shows phase coils lying on an axis perpendicular to the direction of motion. The motor is fed by either two phase or three phase current as shown in figures 7 and 8. Besides showing magnets and coils lying on an axis perpendicular to the direction of motion, Goldie et al. also shows magnets and coils lying on an axis parallel to the direction of motion. Since Applicant's claims neither recite nor prohibit additional magnets and coils on an axis parallel to the direction of motion, those additional coils and magnets are irrelevant to the instant invention as claimed.

***Allowable Subject Matter***

Claim 2 appears to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stuart teaches putting additional motor elements side by side in order to increase the thrust of a motor as shown in figure 5. Unlike the instant invention, Stuart is replacing a motor of the same length having a single row of windings and a single row of magnetic material with a motor having multiple rows of windings and multiple rows of magnetic material. Stuart also appears to use DC voltage to power his device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H Jones whose telephone number is 703-308-0115. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JHJ   
September 30, 2002

  
AU-2834